

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE  
LITIGATION

THIS DOCUMENT RELATES TO:

CLARK COUNTY, NEVADA,

Plaintiff,

v.

PURDUE PHARMA, LP, *et al.*,

Defendants.

MDL No. 2804

Case No. 1:19-op-46168-DAP

Judge Dan Aaron Polster

**JANSSEN DEFENDANTS’ OPPOSITION TO CLARK COUNTY, NEVADA’S MOTION  
FOR LEAVE TO FILE, *INSTANTER*, A MOTION TO CLARIFY THE JULY 23, 2021,  
CASE MANAGEMENT ORDER APPLICABLE TO CASES OF “NON-  
PARTICIPATING SUBDIVISIONS”**

Defendants Janssen Pharmaceuticals, Inc., Johnson & Johnson, Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc. (collectively “Janssen”) hereby oppose the November 30, 2021 motion (ECF No. 4180) by Clark County, Nevada for leave to file a motion (ECF No. 4180-1) to “clarify” that this Court’s July 23, 2021 Case Management Order (ECF No. 3795) (the “July 23 CMO”) does not apply to Clark County or other government subdivisions located in Non-Settling States. Janssen opposes the motion for substantially the reasons stated in the opposition filed by Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively the “Distributors”) (ECF No. 4189).

The July 23 CMO clearly applies to cases brought by Non-Participating Subdivisions as that term is defined in the Distributors’ Settlement Agreement, which includes those in Non-Settling States. *See* ECF No. 3795 at 2 (“This CMO applies to MDL cases already filed by any

Non-Participating Subdivision, and also to cases brought by a Non-Participating Subdivision that are newly filed in, removed to, or transferred to the MDL after the entry of this CMO . . . .”); *id.* at 1 n.2 (“Any capitalized terms used but not otherwise defined in this CMO shall have the same meaning as in the Distributor Settlement Agreement . . . .”); Distributor Settlement Agreement § I.MM (defining “Non-Participating Subdivision” as “[a]ny Subdivision that is not a Participating Subdivision” (emphasis added)).

There is no reason that Subdivisions in Non-Settling States, like Clark County, should be exempt from the obligations of the July 23 CMO. Those obligations—including to produce fact sheets under this Court’s June 19, 2018 Fact Sheet Implementation Order (ECF No. 638) and basic information and documentation pertaining to plaintiffs’ claims, *see* ECF No. 3795 at 2–3—are critical to facilitate the evaluation, litigation, and disposition of the surviving claims post-settlement. Exempting Subdivisions in Non-Settling States from these requirements would undermine the July 23 CMO’s objective to manage the cases remaining in this MDL after the settlements in a rational and orderly manner.

For these reasons, and the reasons stated in the Distributors’ opposition (ECF No. 4189), the Clark County’s motion should be denied.

Dated: December 10, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: December 10, 2021

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